

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

THE CITY OF BLAINE, *et al.*,)
Plaintiffs,)
v.)
GOLDER ASSOCIATES, INC., *et al.*,)
Defendants.)
)
No. C03-0813L
)
ORDER DENYING DEFENDANTS'
MOTION IN LIMINE REGARDING
FINDINGS IN LUMMI NATION v.
GOLDER ASSOCIATES, INC.
)
)

This matter comes before the Court on “Defendants’ Motions in Limine re IGRA and Breach of Contract Finding[s].” Dkt. # 322. Defendants seek an order prohibiting the presentation of evidence or argument regarding the Court’s findings in The Lummi Nation v. Golder Associates, Inc., C01-1003L. In particular, defendants object to any mention of the judicially-established facts that Dr. Tucker and Golder Associates, Inc., breached the Washington State Indian Graves and Records Act (“IGRA”) and contractual duties owed to the Lummi.

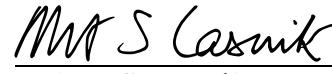
Although the Court’s findings in Lummi Nation do not establish plaintiffs’ claims in this case, they are relevant and, if handled appropriately, will not unduly prejudice defendants. Plaintiffs will not be required or permitted to relitigate the earlier findings. At the

ORDER DENYING DEFENDANTS' MOTION
IN LIMINE REGARDING FINDINGS IN
LUMMI NATION v. GOLDER ASSOCIATES, INC.

beginning of the trial, the Court will provide to the jury background information regarding this matter, including the fact that Golder Associates, Inc., breached contractual and statutory duties owed to the Lummi Nation. Judicially-established, stipulated, and undisputed facts will also be presented to the jury in the instructions at the end of the case.

For all of the foregoing reasons, defendants' motion to exclude references to the Court's findings in The Lummi Nation v. Golder Associates, Inc., is DENIED.

DATED this 11th day of May, 2006.



Robert S. Lasnik
United States District Judge

ORDER DENYING DEFENDANTS' MOTION
IN LIMINE REGARDING FINDINGS IN
LUMMI NATION v. GOLDER ASSOCIATES, INC. -2-